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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,535	10/02/2000	Bruce Bent	1800-002A	4334

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1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/677,535

Applicant(s)

Bent

Examiner

Daniel Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 2, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1
2 1. It is acknowledged that the current Application 09/677,535 filed October 2, 2000 is a
3 Continuation-in-Part of Application 09/176,340 filed October 21, 1998, which is now Patent
4 No. 6,374, 231. Claims 1-8 are pending in the application and are presented to be examined
5 upon their merits.
6

Claim Objections

7
8 2. Claims 1, 3 and 6 are objected to because of the following informalities:

9 Re claims 1 and 6: Delete "FDIC" in the claims and substitute, --Federal Deposit
10 Insurance Corporation ("FDIC")--.

11 Re claim 3: Delete "ACH" in the claim and substitute, --Automated Clearing House
12 ("ACH")--. Appropriate correction is required.
13

Claim Rejections - 35 USC § 112

14
15 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

16 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming
17 the subject matter which the applicant regards as his invention.
18

19 4. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for
20 failing to particularly point out and distinctly claim the subject matter which applicant regards
21 as the invention. The claim(s) recite a limitation of "a system". It is unclear if the applicant is

1 disclosing a method or apparatus claim. However, for examination purposes, the
2 aforementioned claims will be considered as apparatus claims.
3
4

5 ***Claim Rejections - 35 USC § 103***

6 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
7 obviousness rejections set forth in this Office action:

8 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
9 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
10 are such that the subject matter as a whole would have been obvious at the time the invention was made to a
11 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
12 negated by the manner in which the invention was made.
13

14 6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagan
15 (hereinafter "'685", US 5,864,685) in view of Hagan (hereinafter "'398", US 5,291,398).
16

17 **Re claims 1 and 6:**

18 '685 discloses a method for managing a plurality of demand accounts for multiple
19 clients whose funds are held at a banking institution in one or more insured deposit accounts
20 (see '685, Abstract), comprising:

21 providing a database having client information for each account (see '685, col. 4, ll. 66
22 to col. 5, ll 43);

23 administering clients' deposits and withdrawals from each of their demand accounts

1 authorizing or rejecting the use of funds in a particular client's demand account for
2 each demand payment requested from that client's account (see '685, col. 6, ll. 15-60; and col.
3 6, ll. 35-52);

4 determining the net transaction of the sum of the demand account deposits and
5 withdrawals on a regular basis (see '685, col. 2, ll. 21+);

6 using the determination of the transaction to deposit funds to or withdraw funds from
7 the one or more insured deposit accounts in which the client's funds are held to the client's
8 demand accounts (see '685, col. 2, ll. 21+);

9 updating the database for each clients' deposit and authorized demand payment (see
10 '685, col. 7, ll. 20-30; col. 1, ll. 53 to col. 4, ll. 24).

11 '685 fails to disclose effectively providing Federal Deposit Insurance Corporation
12 ("FDIC") insurance greater than \$100,000 for each client. This is disclosed by '398 (see '398,
13 col. 2, ll. 28+). It would have been obvious for an artisan of ordinary skill at the time of the
14 invention to provide the aforementioned feature to '685 because an artisan at the time of the
15 invention would have recognized and been familiar with the notoriously old and well known
16 technique of of maintaining their deposits in different categories of legal ownership to provide
17 insurance coverage in a single institution. Thus to provide the aforementioned feature would
18 be constituted an obvious expedient to one of ordinary skill in the art.

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1 **Re claim 2:**

2 determining whether each client's insured deposit account contains more than a specified
3 amount; and

4 distributing any amounts over the specified amount into another insured deposit account
5 at a preselected banking institution (see '685, col. 6, ll. 15-60; and col. 6, ll. 35-52).

6
7 **Re claim 3:**

8 client's funds are deposited by at least one method selected from the group consisting of check,
9 wire or electronic transfer, automated clearing house ("ACH"), third, party credits, and a
10 sweep from one of the client's other accounts (see '685, col. 6, ll. 15-60; and col. 6, ll. 35-
11 52).

12
13 **Re claim 4:**

14 wherein the specified amount is \$100,000 (see '685, col. 2, ll. 35+).

15
16 **Re claim 5:**

17 of determining a client's preferences of the amount of funds to be held in each of the multiple
18 insured deposit accounts (see '685, col. 1, ll. 53 to col. 4, ll. 24).

1 **Re claim 7:**

2 withdrawals are in the form of at least one type selected from the group consisting of drafts
3 (checks, credit card, debit card, sweeps, electronic transfers), and combinations thereof (see
4 '685, col. 1, ll. 53 to col. 4, ll. 24).

5
6 **Re claim 8:**

7 deposits are in the form of at least one type selected from the group consisting of drafts
8 (checks), sweeps, electronic transfers, and combinations thereof (see '685, col. 1, ll. 53 to col.
9 4, ll. 24).

10
11
12 **Conclusion**

13
14 7. A list of relevant prior art appears below not relied upon in this Office Action:

15 **US Patents:**

16 Hagan (US 5,631,828) discloses a method and system for processing federally insured annuity and
17 life insurance investments

18 8. Any inquiry concerning this communication or earlier communications from the examiner
19 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
20 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
21 Any inquiry of a general nature relating to the status of this application or its proceedings should
22 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
23 **Vincent Millin** whose telephone number is (703) 308-1065.

1 9. Response to this action should be mailed to:

2
3 Commissioner of Patents and Trademarks

4 Washington, D.C. 20231

5
6 for formal communications intended for entry, or (703) 305-0040, for informal or draft
7 communications, please label "Proposed" or "Draft".

8 Communications via Internet e-mail regarding this application, other than those under 35
9 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
10 addressed to *[daniel.felten@uspto.gov]*.

11 All Internet e-mail communications will be made of record in the application file. PTO
12 employees do not engage in Internet communications where there exists a possibility that
13 sensitive information could be identified or exchanged unless the record includes a properly
14 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
15 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
16 Trademark on February 25, 1997 at 1 195 OG 89.

17
18 

19
20 DSF
21 April 15, 2003



HANI M. KAZIMI
PRIMARY EXAMINER